

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 11, 2005

IN RE:

**BELLSOUTH'S MOTION FOR THE
ESTABLISHMENT OF A NEW PERFORMANCE
ASSURANCE PLAN**

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) **DOCKET NO. 04-00150**
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**ORDER SUSPENDING APPEARANCES AND DEPOSITIONS SCHEDULED
FOR FEBRUARY 14, 2005 AND SETTING STATUS CONFERENCE**

This matter is before the Hearing Officer upon the filing of motions to quash or to modify subpoenas duces tecum for deposition ("motions") issued by the Tennessee Regulatory Authority ("Authority") at the request of BellSouth Telecommunications, Inc. ("BellSouth") on January 26, 2005. The subpoenas were served on the following non-parties ("the Companies"): Momentum Telecom, Inc.; Z-Tel Communications, Inc.; Access Integrated Networks, Inc.; Xspedius Communications; Covad Communications Company; Talk America; Access Point Inc.; IDS Telecom LLC; LecStar Telecom Inc.; In Line; Network Telephone Corp.; AT&T of the South Central States, LLC; NuVox Communications, Inc.; ITC^DeltaCom; KMC Telecom; MCI metro Access Transmission Services, LLC; and MCI WorldCom Communications, Inc. The Companies filed the motions on February 7, 2005. BellSouth filed its response to the motions on February 11, 2005 and requested that a status conference be scheduled to discuss this matter.

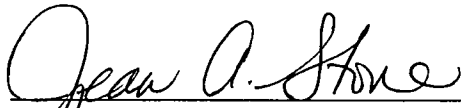
The Hearing Officer finds that the request for a status conference is well-taken and should be granted. Therefore, the motions and responses will be addressed during a status conference hereby scheduled for **2:00 p.m. on Friday, February 18, 2005**. Further, because it

is not in the best interests of all parties for the appearances and depositions to proceed until there is a determination of the objections raised by the Companies in the motions, the Hearing Officer determines that the appearances and depositions scheduled for February 14, 2005 should be cancelled and the motions held in abeyance. This determination should not be construed as a ruling on the merits of the objections raised by the Companies.

IT IS THEREFORE ORDERED THAT:

1. The appearances and depositions ordered in the subpoenas issued by the Authority on January 26, 2005 shall not take place on February 14, 2005. The Companies' motions to quash are hereby held in abeyance.

2. A status conference will be held on **Friday, February 18, 2005, at 2:00 p.m.** to address the motions and responses noted above.



Jean A. Stone, as Hearing Officer